

**KANAB CITY PLANNING COMMISSION MEETING
MARCH 20, 2012
KANE COUNTY COMMISSION CHAMBERS**

PRESENT: Chairman Arlon Chamberlain, Members Dennis Day, Byard Kershaw, Jim Sorenson, Teresa Trujillo and Terril Honey. Staff Members Darrin Janes of Five County and Building Inspector Russ Keller.

ABSENT: Members Tom Avant and Dave Borup

WORK MEETING: Discussion of Agenda items

Chairman Chamberlain opened the regularly scheduled meeting at 7:00 p.m.

APPROVAL OF MINUTES: A motion was made by Member Kershaw and 2nd by Member Day to approve the minutes of the March 6, 2012 meeting as written and also the February 21, 2012 meeting as corrected. Motion passed unanimously.

CONSIDER APPROVAL OF CONDITIONAL USE PERMIT FOR VICTOR SANDONATO/TEXU LLC (REPRESENTED BY KANE COUNTY OFFICE OF TOURISM) AT 60 S 100 E FOR A 24 FOOT MURAL ON THE REAR OF THE OFFICE (CONTINUING THE MURAL FROM THE KANE COUNTY OFFICE OF TOURISM BUILDING): Ken Gotzenberg with the Kane County Office of Tourism was present for the meeting and was requesting a conditional use permit for a Mural Sign at 78 E. Center St. on the south-facing wall of this building. Said mural sign would be a continuation of the mural that has been painted on the east-facing wall of the visitor's center. Member Sorenson asked if the mural met the City requirement of 90% white space and Darrin Janes stated yes it met the requirement. Member Sorenson made a motion to approve the mural extension on the south wall of Mr. Sandonatos building with the findings that it met all stipulations in section 8-6 (B) of the Land Use Ordinance and footnote 6 of section 7-10 of the Land Use Ordinance. And also with the findings that there is a written agreement between the two parties. Motion 2nd by Member Honey. Motion passed unanimously.

CONSIDER APPROVAL OF MODIFICATION TO SITE PLAN FOR JOHN NORTHRUP (SPURS GRILL) AT 36 N HWY 89 FOR AN EXPANSION OF AN OUTDOOR PATIO AREA: The property resides in the C-1 commercial zone which is the underlying zone for the Downtown Overlay, The proposed project includes expansion of the Spurs Grill to include an outdoor patio area; specifically, a total of 238 outdoor seats (approx.) will be included on the patio, a 24'x58' timber post structure will be constructed over ½ of the patio area to provide shade, and a 8'x18' stage area. Member Sorenson asked about the total number of parking spaces, Darrin Janes stated that 200 seats would be the mark to meet the standard without pushing any parking out into the street. The off street parking requirements would be met at 57 spaces for the restaurant and 47 spaces for the hotel for a total of 98 spaces of off street parking with a total number of 4 handicap spaces. Chairman Chamberlain entertained a motion for the approval of the modified site plan. Member Honey made a motion that the

planning commission approve a site plan for Spurs Grill, John Northrup at 36 North 300 West Hwy. 89. And the findings include a recommendation from the City Staff on the determination of the ingress/egress that the north driveway can be closed because the other three access points meet the City Ordinance. That the setbacks for the structures to be built and the seating are within city guidelines for the setbacks in C-1 zone, that exhibit A for parking allows for an exception to parking, and that the commission grant an exception for the 238 seats and 13 additional parking stall requirements being met with the exhibit A 1-8 that exception be granted to meet those 13 stalls. And that the finding is in chapter 9 of the land use ordinance section 6-D that the existing landscaping meets the ordinance requirements. Motion 2nd by Member Day. Motion passed unanimously.

PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL TO AMEND THE KANAB CITY LAND USE ORDINANCE CHAPTER 3 REGARDING APPEALS : A motion was made by Member Trujillo to go into public hearing. City Manager Duane Huffman presented the new changes to Chapter 3 Appeals Officer.

3-2 B: Requiring new language pursuant to Utah Code 10-9a-701(4)(c), the Summary of Grounds for Appeal.

3-2 H: Judicial review – Exhaustion of administrative remedies.

3-3: Intervention in an Appeal

3-8: Decision on Appeal

Discussion on Section 3-3, Mr. Huffman read 3-3 C. Where an appeal is filed by a person other than the applicant for the land use permit and the appeal is challenging the validity of the City granting or issuing a land use permit for the applicant, the applicant shall be required to intervene in the appeal and defend the decision of the Land Use Authority. The Appeal Authority shall approve the petition for intervention. If the applicant refuses or otherwise does not appear and defend the decision of the Land Use Authority the City may, in its sole discretion, choose not to appear and defend the decision of the Land Use Authority and may allow the Appeal Authority to render its decision without any input in defense of the decision.

Carol Lee Woods read a statement. Member Day stated that this change is not abnormal and most municipalities have this in place. Member Honey stated that he appreciates the public comment but he supports City Staff to make sure that Kanab City is protected. Member Sorenson stated that he would like to recuse himself from voting with planning commission. Member Kershaw made a motion that the Planning Commission forward the proposed amendment to Chapter 3 Appeals Authority to the City Council for adoption. Motion 2nd by Member Trujillo. Motion passed unanimously with the exception of Member Sorenson who had been recused.

RE-CONSIDER RECOMMENDATION TO CITY COUNCIL TO AMEND KANAB CITY LAND USE ORDINANCE CHAPTER 4-12 AND CHAPTER 21-3 REGARDING HEIGHT REGULATION, WITH THE INCLUSION OF A DEFINITION IN CHAPTER 1-6 “DEFINITIONS” TO ADD A DEFINITION OF “SMOKESTACKS”: Mr. Huffman stated that Legal Council recommended to put the definition of smokestack in the definition section and not Chapter 21. Legal also recommended that staff define “Chimney” as well.

Section 1-6 Definitions

Smokestack - Any pipe, flue or funnel through which smoke or gases deriving from a manufacturing or industrial process are discharged.

Chimney – A primary vertical enclosure containing one or more passageways for conveying flue gases, from the products of combustion of fuel-burning appliances, to the outside atmosphere. Residential and commercial application is common as hot air, gas, steam or smoke from a furnace or fireplace is conveyed through a chimney.

Member Honey made a motion to re-recommend to the Kanab City Council that they adopt the changes outlined in chapter 4-12, 21-3, and chapter 1-6 definitions to include not only smokestacks as recommended definition but to include the definition of chimney that has been presented. Motion 2nd by Member Day. Motion passed unanimously.

LANDSCAPE PLAN REVIEW FOR KANAB CITY FOR CUL-DE-SAC AREA AT APPROX. 650 S 175 E: Member Trujillo made a motion to approve the landscape plan for the City at the cul-de-sac in front of Lane Littles. Motion 2nd by Member Kershaw. Motion passed unanimously.

Member Sorenson made a recommendation to discuss the last item on the agenda at the next regularly scheduled meeting.

A motion to adjourn was made by Member Day and 2nd by Member Trujillo. Motion passed unanimously.

CHAIRMAN

DATE